

THE HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

-
W.P. NO. 6258 of 2004

-
DATED: 08-08-2007

Between:-

Mr. Hari Hara Reddy and another.

... PETITIONERS

And

The Commissioner of Proh. & Excise, Govt.of A.P. at Hyderabad and 2
others.

...RESPONDENTS

THE HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 6258 of 2004

ORDER

Questioning the action of the respondents in not permitting the petitioners to carry on business at M/s. Good Lands Bar and Restaurant, Tarnaka, Hyderabad from 01-04-2004 onwards, the present writ petition is filed.

This Court, by its order dated 01-04-2004, while ordering notice before admission directed the respondents to extend/renew the licence for the period 2004-2005.

Sri T. Amarnath Goud, learned counsel for the petitioners, would fairly submit that except for this order dated 01-04-2004 there are no other interim orders passed by this Court. Learned counsel would submit that the lease renewed in the petitioners' favour for the year 2004-2005 was under the 1970 Rules which has since been repealed and replaced by the Andhra Pradesh Excise (Grant of Licence of Selling by Bar and Conditions of Licence) Rules, 2005. Learned counsel would submit that, since the respondents have on their own accord issued a fresh licence under the 2005 Rules for the year 2005-2006 and for the years thereafter, no further orders are necessary in

this writ petition.

Learned Government Pleader for Prohibition & Excise, on the other hand, would submit that the respondents had renewed the licence only in compliance with the interim orders of this Court and that the petitioners were not entitled to carry on business, in as much as it is located within 100 meters radius of educational institutions. Learned Government Pleader would place reliance on a Division Bench judgment of this Court in support of her contention that 100 mtrs radius has to be calculated from all sides and not merely from its end point.

It is wholly unnecessary for this Court to examine the rival contentions in this regard, since the interim order of this Court only directed the respondents to extend/renew the licence for the period 2004-2005. After the end of the year 2004-2005 i.e. on or after 01-07-2005 the respondents were not required, under the interim orders of this Court, to issue a fresh licence to the petitioners. The licences issued for the year 2005-2006, and for the subsequent years, is not pursuant to any interim order of this Court.

The writ petition is, therefore, disposed of leaving it open to the respondents, if they so choose, to take action against the petitioners under the applicable rules for any deviation from the conditions of the licence or violation of any provision of law.

The writ petition is, accordingly, disposed of. No costs.

RAMESH RANGANATHAN, J

Dated: 08-08-2007
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